

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

MARLON MARTIN, #225145,	)	
	)	
v.	)	CIVIL ACTION NO. 2:06-CV-573-WC
	)	[WO]
	)	
PRISON HEALTH SERVICES, INC.	)	
	)	
Defendant.	)	

**MEMORANDUM OPINION**

This cause is before the court on a 42 U.S.C. § 1983 complaint filed by Marlon Martin [“Martin”], a state inmate, on June 27, 2006. The defendant filed a written report in compliance with the orders of this court addressing Martin’s claims for relief. Specifically, the defendant submitted relevant evidentiary materials that refute the self-serving, conclusory allegations presented in the instant cause of action. The court thereafter issued an order directing Martin to file a response to the written report. *Order of December 13, 2006 - Court Doc. No. 13*. This order advised Martin that his failure to respond to the defendant’s written report would be treated by the court “**as an abandonment of the claims set forth in the complaint and as a failure to prosecute this action.**” *Id.* at 1 (emphasis in original). Additionally, the order “**specifically cautioned [the plaintiff] that [his failure] to file a response in compliance with the directives of this order**” would result in the dismissal of this civil action. *Id.* The time allotted Martin for filing a response to this order expired on January 3, 2007. As of the present date,

Martin has filed nothing in opposition to the defendant's written report as required by the orders of this court. In light of the foregoing, the court concludes that this case should be dismissed.

The court has reviewed the file in this case to determine whether a less drastic measure than dismissal is appropriate. After such review, it is clear that dismissal of this case is the proper course of action. Martin is an indigent state inmate. Thus, the imposition of monetary or other punitive sanctions against him would be ineffectual. Additionally, Martin has exhibited a lack of deference for this court and its authority as he has failed to comply with the directives of the orders entered in this case. It is therefore apparent that any additional effort by this court to secure Martin's compliance would be unavailing. Moreover, the response and undisputed evidentiary materials filed by the defendant indicate that Martin is not entitled to any relief in this cause of action. Consequently, the court concludes that Martin's abandonment of his claims, his failure to comply with the orders of this court and his failure to prosecute this cause of action warrant dismissal of this case.

A separate order of judgment will accompany this memorandum.

Done this 19th day of January, 2007.

/s/ Wallace Capel  
WALLACE CAPEL  
UNITED STATES MAGISTRATE JUDGE